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June 4, 2019

RECEIVED

JUN 06 2019

MIKE MORSE LAW FIRM

Jennifer G. Damico
24901 Northwestern Highway, Suite 700
Southfield, MI 48075-1816

RE: CASE NAME: Troy Karpovich v City of Detroit
CASE NO.: 18-12247

Dear Ms. Damico:

Enclosed please find, relative to the above-referenced matter, a copy of **Defendant City of Detroit's Revised and Supplemental Responses to Plaintiff's First Request for Production of Documents, Electronically-Stored Information and Tangible Things, to Defendant, City of Detroit and a Proof of Service.**

Respectfully submitted,

Edward V. Keelean

Edward V. Keelean
Supervising Assistant Corporation Counsel

EVK:mjr

Enclosure

cc: Michael T. Ryan
Scott Feuer
John J. Gillooly
Timothy L. Leach

JGO

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TROY KARPOVICH, as guardian of
MICHAEL R. KARPOVICH, a legally-
incapacitated person,

Plaintiff,

Case No. 2:18-cv-12247-SFC-DRG

Honorable Sean F. Cox

v.

CITY OF DETROIT, a municipal corporation,
JAMES E. CRAIG, in his official capacity,
DETROIT BOARD OF POLICE COMMISSIONERS,
TIMOTHY L. LEACH, FREDERICK E.
PERSON, DETROIT POLICE OFFICERS
JOHN DOES 1 – 5, in their individual and
official capacities, TIMOTHY L. LEACH
d/b/a T. LEACH ENTERPRISE, and
EIGHTH STREET VENTURES, LLC,
d/b/a Ottawa Via,

Defendants.

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**DEFENDANT CITY OF DETROIT'S Revised and Supplemental RESPONSES TO
PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS,
ELECTRONICALLY-STORED INFORMATION AND TANGIBLE THINGS, TO
DEFENDANT, CITY OF DETROIT**

Defendant City of Detroit responds to Plaintiff's First Request for Production of Documents, Electronically-Stored Information and Tangible Things, to Defendant, City of Detroit ("COD"), as follows:

REQUEST FOR PRODUCTION

1. A copy of the original full and complete file pertaining to the Incident, including, but not limited to all files, file folders, notes, interoffice memorandum, records, investigation records, witness statements, reports, dispatch logs (whether computerized or handwritten), officer daily logs/sheets (whether computerized or handwritten), shift commander daily logs/sheets

(whether computerized or handwritten), of the DPD, including IAD, OCI, and/or the Homicide Task Force.

RESPONSE: Generally speaking Defendant will produce copies of the requested documents or electronically stored information in its possession, except where noted, in response to these requests though some may be partially redacted. In some instances Defendant has already produced a significant volume of information in its initial Fed. R. Civ. P. 26(a) production on March 5, 2019 at the court ordered scheduling conference. See list attached as Exhibit A. *Defendants have also uploaded all documents from the Internal Affairs and Homicide Task Force investigation of this matter onto the "Box" data base under the file heading of "18-12247: Karpovich Documents"*

2. A copy of the original full and complete Internal Controls file regarding the Incident, including but not limited to: all reports regarding DPD misconduct, all revisions and/or suggestions to DPD procedures where deficiencies were found to be a contributing factor in the misconduct, any recommendations for prosecution, pursuant to DPD Directive 102.6-4.3.

RESPONSE: Defendant submits that it has already produced the documents requested in its initial disclosure of materials listed in Exhibit A. Generally the Internal Affairs file was uploaded to the box data base and can be found under the heading "DPD Documents Leach" or "Witness Interviews". ✓

3. A copy of all electronically-recorded videos, surveillance, DVD's or CD-ROMs from the inside and outside of the Ottawa Via Restaurant on March 11, 2018 from 7:00 a.m. until the business closed on either March 11, 2018 or the early hours of March 12, 2018.

RESPONSE: Defendant submits that it has already produced the documents requested in its initial disclosure of materials listed in Exhibit A. *This material can be found in the box data base under the title "Ottava Via Footage".* ✓

4. A full and complete copy of the DPD Policy Manual, including all revisions, updates, Memorandums of Understanding and Special Orders to the following chapters and Directives, from 2013 through March 11, 2018:

- a. Chapter 201.11 – Use of Force & Detainee Injury Reporting and Investigation;
- b. Chapter 304.6 – Body Worn Cameras;
- c. Chapter 304.2 – Use of Force;
- d. Chapter 102.3 – Code of Conduct; and
- e. Chapter 102.6 – Citizen Complaints.

RESPONSE: Defendant will produce the requested Detroit Police Department Manual document by way of a "www.box.com" electronic access point, entitled "Karpovich v. Detroit et. al., Discovery Documents" accessible to all parties electronically through an electronic link. *The manual is available on the box data base under the title "DPD Manual" which contains all the sections specified.* ✓

5. A copy of all CCR's, in paper form (DPD512), or electronically-stored in the MAS, from 2008 through March 11, 2018, against Defendants, Timothy Leach or Frederick Person, and all documents regarding the adjudication of the complaint, pursuant to DPD Directive Number 102.6 – 9. ✓

RESPONSE: Defendant will produce the requested MAS documents by way of a "www.box.com" electronic access point, entitled "Karpovich v. Detroit et. al., Discovery

Documents” accessible to all parties electronically through an electronic link. *The requested documents have been uploaded and are available under the file name: “DPD MAS LEACH” and “DPD MAS PERSON”*

6. A copy of all Internal Complaints, in paper form, or electronically-stored in the MAS, from 2008 through March 11, 2018 regarding Defendants, Timothy Leach or Frederick Person.

RESPONSE: Defendant will produce the requested MAS documents by way of a “www.box.com” electronic access point, entitled “Karpovich v. Detroit et. al., Discovery Documents” accessible to all parties electronically through an electronic link. *This material is contained in the data base for both officers under the title “Citizens Complaints”.* ✓

7. A copy of all UF-002 reports, either in paper form, or electronically-stored in the MAS, from 2008 through March 11, 2018, including the adjudication of the complaint, pursuant to DPD Directive Number 102.6-9.

RESPONSE: Defendant will produce the requested MAS documents by way of a “www.box.com” electronic access point, entitled “Karpovich v. Detroit et. al., Discovery Documents” accessible to all parties electronically through an electronic link. *Defendant has uploaded to the data base “Annual Use of Force Summaries” for 2014 to 2019. The prior years summary documents responsive to this request will be provided when available. A search is still ongoing on the availability of files for the individual incidents contained in the the summary.* NOT RESPONSIVE B —

8. A copy of all UF-002 and CCR reports completed by Timothy Leach, either in paper form, or electronically-stored in the MAS from 2008 through March 11, 2018.

RESPONSE: Defendant will produce the requested MAS documents by way of a “www.box.com” electronic access point, entitled “Karpovich v. Detroit et. al., Discovery Documents” accessible to all parties electronically through an electronic link. *After a diligent search Defendants are unable to find any documents responsive to this request. There is no separate file for reports of this nature compiled by an individual officer.*

9. A copy of all 911 computer aided dispatch records, run sheets, dispatch notes, printouts and audio recordings pertaining to the Incident.

RESPONSE: Defendant will produce the requested MAS documents by way of a “www.box.com” electronic access point, entitled “Karpovich v. Detroit et. al., Discovery Documents” accessible to all parties electronically through an electronic link. *These documents are in the data base under the title “EMS Run DPD . . . “for four separate events.*

10. A copy of all audio recordings from Defendants, Leach, Persons or any other unnamed DPD officers, on duty or off duty, pertaining to the Incident.

RESPONSE: Defendant submits that it has already produced the documents requested in its initial disclosure of materials listed in Exhibit A. *These audio recordings are grouped in the data base under the file entitled “Witness Interviews” which would generally include the audio recording of the interview.* *unable to open*

11. A copy of all recordings of all telephone calls made by Defendants, Leach or Person, from a DPD-issued telephone or personal mobile telephone, to any DPD current member and/or former DPD member, pertaining to the incident.

RESPONSE: Defendant will produce the requested items or documents by way of a “www.box.com” electronic access point, entitled “Karpovich v. Detroit et. al., Discovery Documents” accessible to all parties electronically through an electronic link. *Any recordings*

of telephone calls relevant to this incident have been uploaded to the data base. Moreover, Defendants Leach and Person's department cell phones along with several of the witnesses were subject to a forensic audit and the results thereof have been uploaded to data base as separate file, i.e. "Timothy Leach Cell Phone" etc. 7,000

12. A copy of the complete personnel file maintained by DPD, including any findings by IAD, OCI and/or Internal Controls, for Timothy Leach, including but not limited to all discipline, non-disciplinary corrective action, continuing education and training courses, performance reviews, and supervisor reports from 2008 through current.

RESPONSE: Defendant will produce the requested items or documents by way of a "www.box.com" electronic access point, entitled "Karpovich v. Detroit et. al., Discovery Documents" accessible to all parties electronically through an electronic link.

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13. A copy of the complete personnel file maintained by DPD, including any findings by IAD, OCI and/or Internal Controls, for Frederick Person, including but not limited to all discipline, non-disciplinary corrective action, continuing education and training courses, performance reviews, and supervisor reports from 2008 through current.

RESPONSE: Defendant will produce the requested items or documents by way of a "www.box.com" electronic access point, entitled "Karpovich v. Detroit et. al., Discovery Documents" accessible to all parties electronically through an electronic link. *These documents can be found in either the MAS files or the individual personnel files.*

14. A copy of all DPD568 forms or memoranda, interoffice requests, interoffice memos, emails, electronically-stored data and information, authorizations and/or approvals (DPD525), denials, renewals, reviews, appeals, notices and/or memoranda, between Timothy

Leach and/or T. Leach Enterprise, and the DPD regarding any application for Off Duty Employment by Leach from 2013 to March 11, 2018.

Not responsive

RESPONSE: Defendant will produce the requested items or documents by way of a “www.box.com” electronic access point, entitled “Karpovich v. Detroit et. al., Discovery Documents” accessible to all parties electronically through an electronic link.

15. A copy of all DPD568 forms or memoranda, interoffice requests, interoffice memos, emails, electronically-stored data and information, authorizations and/or approvals (DPD525), denials, renewals, reviews, appeals, notices and/or memoranda, between Frederick Person and the DPD regarding any application for Off Duty Employment by Person from 2013 to March 11, 2018.

Not resp.

RESPONSE: Defendant will produce the requested items or documents by way of a “www.box.com” electronic access point, entitled “Karpovich v. Detroit et. al., Discovery Documents” accessible to all parties electronically through an electronic link.

16. All copy of all documents supporting DPD Chief James Craig’s statement to the Detroit Free Press on March 20, 2018, that approval for Timothy Leach’s “security company” company to perform Off Duty Employment had lapsed prior to March 11, 2018.¹

RESPONSE: Defendant will produce the requested items or documents by way of a “www.box.com” electronic access point, entitled “Karpovich v. Detroit et. al., Discovery Documents” accessible to all parties electronically through an electronic link. *After a diligent search Defendants have not found any documents responsive to this request.*

17. The identity of all DPD officers working Off Duty Employment in the area that makes up the DPD’s 3rd precinct, during the CorkTown St. Patrick’s Day Parade Weekend from

¹ <https://www.freep.com/story/news/local/michigan/2018/03/20/detroit-cop-bouncer-ottava-via/441399002/>

2015 through 2018, including where for whom they were working, the location of were working, the nature of the activities they were performing, including all DPD568 and DPD525 forms or documents pertaining the their Off Duty Employment.

RESPONSE: Defendant will produce the requested items or documents by way of a “www.box.com” electronic access point, entitled “Karpovich v. Detroit et. al., Discovery Documents” accessible to all parties electronically through an electronic link. *After a diligent search Defendants have not found any documents responsive to this request.*

18. A copy of all bulletins, interoffice memoranda, notes, emails, documents, data and/or correspondence, regarding the number of off duty DPD officers working Off Duty Employment during the CorkTown St. Patrick’s Day Parade Weekends from 2015 through 2018, including but not limited to any information regarding an increase or decrease in the number of uniformed and/or “on duty” officers and/or patrol officers working in the DPD’s 3rd Precinct.

RESPONSE: Defendant will produce the requested items or documents by way of a “www.box.com” electronic access point, entitled “Karpovich v. Detroit et. al., Discovery Documents” accessible to all parties electronically through an electronic link. *After a diligent search Defendants have not found any documents responsive to this request.*

19. A copy of all notifications by Defendants, Timothy Leach. T. Leach Enterprise and/or Frederick Person to the DPP, that any Off Duty Employment was discontinued pursuant to DPD Directive 102.3-8(5) from 2012 until March 11, 2018.

RESPONSE: Defendant will produce the requested items or documents by way of a “www.box.com” electronic access point, entitled “Karpovich v. Detroit et. al., Discovery Documents” accessible to all parties electronically through an electronic link. *After a diligent search Defendants have not found any documents responsive to this request.*

20. A copy of all DPD525 Authorizations for Outside Employment or Business Activity for Defendants, Timothy Leach, T. Leach Enterprise or Frederick Person, including, but not limited to: the date the authorization was given, the identity of the person approving and/or signing the Off Duty Employment authorization and any notices by the DPD that Leach or Person's authorization for Off Duty or outside employment was discontinued pursuant to DPD Directive 102.3-8.3(4) from 2012 until March 11, 2018.

RESPONSE: Defendant will produce the requested items or documents by way of a "www.box.com" electronic access point, entitled "Karpovich v. Detroit et. al., Discovery Documents" accessible to all parties electronically through an electronic link. *After a diligent search Defendants have not found any documents responsive to this request.*

Respectfully submitted,

By: /s/Edward V. Keelean (P29131)
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Craig and Detroit Board of Police Commissioners
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Dated: June 3, 2019

PROOF OF SERVICE

I hereby certify that on June 4, 2019, a copy of the foregoing document was served upon all counsel of record via US Mail.

/s/ Edward V. Keelean